



H-A

Attorney Docket No. 404332000200  
Sector #

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*C. Wilson*  
C. Wilson

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Kent L. GILSON

Serial No.: 09/747,602

Filing Date: December 22, 2000

For: VIVA

Group Art Unit: To Be Assigned

Examiner: To Be Assigned

**TRANSMITTAL LETTER FOR PETITION UNDER 37 CFR 1.53(e)  
TO SHOW RECEIPT OF ITEM IN RESPONSE TO NOTICE OF  
INCOMPLETE NONPROVISIONAL APPLICATION**

**BOX MISSING PARTS**

Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

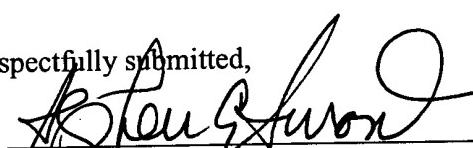
In complete response to the Notice of Incomplete Nonprovisional Application  
Under 37 C.F.R. § 1.53(b) dated March 7, 2001, attached please find:

- Fee Transmittal for 2001 (1 page);
- Copy of Notice of Incomplete Nonprovisional Application sent to Applicant in the above-referenced patent application on March 7, 2001 (2 pages);
- Declaration signed by the inventor (2 pages);
- Petition Under 37 CFR 1.53(e) to Show Receipt of Item in Response to Notice of Incomplete Nonprovisional Application (4 pages);

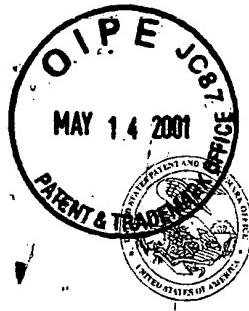
- Declaration of Stephen C. Durant in Support of Petition Under 37 CFR 1.53(e) to Show Receipt of Item in Response to Notice of Incomplete Nonprovisional Application and accompanying Exhibit 1 (copy of Express Mail Receipt for USSN 09/747,602), and Exhibit 2 (copy of Express Mail Receipt for U.S. Provisional No. 60/258,112); (5 pages);
- Declaration of Donalyn Pryor in Support of Petition Under 37 CFR 1.53(e) to Show Receipt of Item in Response to Notice of Incomplete Nonprovisional Application (3 pages);
- Declaration of Charmayne Wilson in Support of Petition Under 37 CFR 1.53(e) to Show Receipt of Item in Response to Notice of Incomplete Nonprovisional Application (3 pages);
- Copy of Postcard dated December 22, 2000, copy of Returned Express Mail Receipt dated December 22, 2001, copy of Check No. 5112300, copy of Utility Patent Application Transmittal, and Specification (148 pages);
- Return Receipt Postcard.
- The Assistant Commissioner is hereby **authorized to charge \$195.00** (\$130.00 petition fee and \$65.00 surcharge fee) and any additional fees under 37 C.F.R. §§ 1.16 and 1.17 that may be required by this transmittal and associated documents, or to credit any overpayment to **Deposit Account No. 03-1952** referencing docket no. 404332000200.

Dated: May 7, 2001

Respectfully submitted,

By:   
Stephen C. Durant  
Registration No. 31,506

Morrison & Foerster LLP  
425 Market Street  
San Francisco, California 94105-2482  
Telephone: (415) 268-6982  
Facsimile: (415) 268-7522



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/747,602	12/22/2000	Kent Gilson	404332000200

CONFIRMATION NO. 8247

## FORMALITIES LETTER



\*OC000000005834576\*

Stephen C. Durant  
Morrison & Foerster LLP  
425 Market Street  
San Francisco, CA 94105-2482

Date Mailed: 03/07/2001

## NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION

## FILED UNDER 37 CFR 1.53(b)

A filing date has NOT been accorded to the above-identified application papers for the reason(s) indicated below.

All of the items noted below and a newly executed oath or declaration covering the items must be submitted within TWO MONTHS of the date of this Notice, unless otherwise indicated, or proceedings on the application will be terminated (37 CFR 1.53(e)).

The filing date will be the date of receipt of all items required below, unless otherwise indicated. Any assertions that the item(s) required below were submitted, or are not necessary for a filing date, must be by way of petition directed to the attention of the Office of Petitions accompanied by the \$130.00 petition fee (37 CFR 1.17(i)). If the petition states that the application is entitled to a filing date, a request for a refund of the petition fee may be included in the petition.

- The specification is missing.
- The specification does not include at least one claim.

The required items noted below SHOULD be filed along with any items required above. The filing date of this nonprovisional application will be the date of receipt of the items required above. The items noted below must be filed no later than TWO MONTHS FROM THE FILING DATE ACCORDED THIS APPLICATION.

- The oath or declaration is unsigned.

09747602

031952

65.00 CH

02 FC:205

*A copy of this notice MUST be returned with the reply.*

*[Handwritten signature]*  
Customer Service Center  
Initial Patent Examination Division (703) 308-1202

05/17/2001 MGBREM1 00000006 031952

PART 2 - COPY TO BE RETURNED WITH RESPONSE

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EL552914563US

## DOCKETING

COPY



Attorney Docket: 404332000200

Mailing Date: December 22, 2000

Inventor(s): Kent GILSON

Express Mail No: EL552914563US

Title: VIVA

## Papers Enclosed:

- Certificate of Express Mail
- Application Transmittal Letter (2 Pages)
- Specification (143 Pages)
- Claims (1 Page)
- Drawings (99 Sheets)
- Declaration - Unsigned (2 Pages)
- Verified Statement Claim Small Entity Status - Unsigned (1 Page)
- Filing Fee in the amount of \$355.00
- This Return Receipt Postcard

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**STEPHEN C. DURANT**  
PATENT DEPARTMENT  
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SAN FRANCISCO, CA 94103-2406

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PHONE ( )

**THE ASSISTANT COMMISSIONER  
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# COPY

Attorney Docket: 404332000200

Mailing Date: December 22, 2000

Inventor(s): Kent GILSON

Express Mail No: EL552914563US

Title: VIVA

Papers Enclosed:

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- This Return Receipt Postcard

Jc612 U.S. PTO  
09/747602

12/22/00

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sf-1015386

COPY

PTO/SB/05 (12/97) (modified)

Approved for use through 09/30/00. OMB 0651-0032

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Please type a plus sign (+) inside this box → +

**UTILITY  
PATENT APPLICATION  
TRANSMITTAL**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.

404332000200

Total Pages 245

First Named Inventor or Application Identifier

Kent L. GILSON

Express Mail Label No.

EL552914563US

**CERTIFICATE OF MAILING BY "EXPRESS MAIL"**

Express Mail Label No.: EL552914563US

Date of Deposit: December 22, 2000

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and is addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.

Stephen C. Durant

**APPLICATION ELEMENTS**

See MPEP chapter 600 concerning utility patent application contents.

1.  Fee Transmittal Form  
(Submit an original, and a duplicate for fee processing)  
Specification [Total Pages 143]

2.   
(preferred arrangement set forth below)  
- Descriptive title of the Invention  
- Cross References to Related Applications  
- Statement Regarding Fed sponsored R & D  
- Reference to Microfiche Appendix  
- Background of the Invention  
- Brief Summary of the Invention  
- Brief Description of the Drawings (if filed)  
- Detailed Description  
- Claim(s)  
- Abstract of the Disclosure

3.  Drawing(s) (35 USC 113) [Total Sheets 99]

4.  Oath or Declaration (unsigned) [Total Pages 2]

- a.  Newly executed (original or copy)  
b.  Copy from a prior application (37 CFR 1.63(d)  
(for continuation/divisional with Box 17 completed)  
[Note Box 5 below]

I.  **DELETION OF INVENTOR(S)**

Signed statement attached deleting inventor(s) named  
in the prior application, see 37 CFR 1.63(d)(2) and  
1.33(b)

5.  Incorporation By Reference (useable if Box 4b is checked)  
The entire disclosure of the prior application, from which a copy of  
the oath or declaration is supplied under Box 4b, is considered as  
being part of the disclosure of the accompanying application and is  
hereby incorporated by reference therein.

ADDRESS TO: Assistant Commissioner for Patents  
Box Patent Application  
Washington, DC 20231

6.  Microfiche Computer Program (Appendix)  
7.  Nucleotide and/or Amino Acid Sequence Submission  
(if applicable, all necessary)  
a.  Computer Readable Copy  
b.  Paper Copy (identical to computer copy)  
c.  Statement verifying identity of above copies

**ACCOMPANYING APPLICATION PARTS**

8.  Assignment Papers (cover sheet & document(s))  
9.  37 CFR 3.73(b) Statement  Power of Attorney  
(when there is an assignee)  
10.  English Translation Document (if applicable)  
11.  Information Disclosure Statement (IDS)/PTO-1449  Copies of IDS  
12.  Preliminary Amendment  
13.  Return Receipt Postcard (MPEP 503)  
(Should be specifically itemized)  
14.  Small Entity Statement(s)  Statement filed in prior  
(unsigned) [1 Page] application, Status still proper and  
desired  
15.  Certified Copy of Priority Document(s) (if  
foreign priority is claimed)  
16.  .....

## 17. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information:

Continuation    Divisional    Continuation-in-part (CIP) of prior application No: \_\_\_\_\_

## 18. CORRESPONDENCE ADDRESS

Stephen C. Durant  
Registration No. 31,506

Morrison & Foerster LLP  
425 Market Street  
San Francisco, California 94105-2482  
Telephone: (415) 268-6062  
Facsimile: (415) 268-7522

- If a paper is untimely filed in the above-referenced application, / applicant or his/her representative, the Assistant Commissioner is hereby petitioned under 37 C.F.R. § 1.136(a) for the minimum extension of time required to make said paper timely. In the event a petition for extension of time is made under the provisions of this paragraph, the Assistant Commissioner is hereby requested to charge any fee required under 37 C.F.R. § 1.17(a)-(d) to Deposit Account No. 03-1952. However, the Assistant Commissioner is NOT authorized to charge the cost of the issue fee to the Deposit Account.

The filing fee has been calculated as follows:

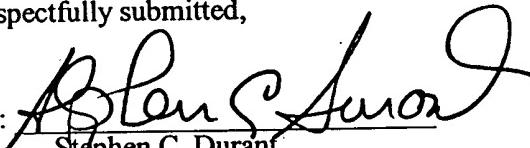
FOR	NUMBER FILED	NUMBER EXTRA	RATE	CALCULATIONS
TOTAL CLAIMS	1 - 20 =	0	x \$18.00	\$0
INDEPENDENT CLAIMS	1 - 3 =	0	x \$80.00	\$0
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$270.00	\$0
			BASIC FEE	\$710.00
			TOTAL OF ABOVE CALCULATIONS =	\$710.00
Reduction by 1/2 for filing by small entity (Note 37 C.F.R. §§ 1.9, 1.27, 1.28). If applicable, verified statement must be attached.				\$355.00
Assignment Recording Fee (if enclosed)				\$0.00
			TOTAL =	\$355.00

- A check in the amount of \$355.00 is attached.  
 Charge \$355.00 to Deposit Account No. 03-1952 referencing docket no. 404332000200.

Applicant(s) hereby petitions for any required relief including extensions of time and authorizes the Assistant Commissioner to charge the cost of such petitions and/or other fees or to credit any overpayment to Deposit Account No. 03-1952 referencing docket no. 404332000200.

Dated: December 22, 2000

Respectfully submitted,

By:   
 Stephen C. Durant  
 Registration No. 31,506

Morrison & Foerster LLP  
 425 Market Street  
 San Francisco, California 94105-2482  
 Telephone: (415) 268-6982  
 Facsimile: (415) 268-7522

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# FEE TRANSMITTAL FOR FY 2001

Patent fees are subject to annual revision.

## Complete if Known

Application Number	09/747,602
Filing Date	December 22, 2000
First Named Inventor	Kent L. GILSON
Examiner Name	To Be Assigned
Group Art Unit	To Be Assigned

TOTAL AMOUNT OF PAYMENT	(\$195.00)	Attorney Docket No.	404332000200
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## METHOD OF PAYMENT

1.  The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number **03-1952**Deposit Account Name **Morrison & Foerster LLP**

- Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17  
 Applicant claims small entity status. See 37 CFR 1.27

2.  Payment Enclosed:

Check  Credit Card  Money Order  Other

## FEE CALCULATION (continued)

## 3. ADDITIONAL FEES

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	\$ 65.00
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for ex parte reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	390	216	195	Extension for reply within second month	
117	890	217	445	Extension for reply within third month	
118	1,390	218	695	Extension for reply within fourth month	
128	1,890	228	945	Extension for reply within fifth month	
119	310	219	155	Notice of Appeal	
120	310	220	155	Filing a brief in support of an appeal	
121	270	221	135	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,240	241	620	Petition to revive - unintentional	
142	1,240	242	620	Utility issue fee (or reissue)	
143	440	243	220	Design issue fee	
144	600	244	300	Plant issue fee	
122	130	122	130	Petitions of the Commissioner	\$130.00
123	50	123	50	Petitions related to provisional applications	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per properties (times number of properties)	
146	710	246	355	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	710	249	355	For each additional invention to be examined (37 CFR § 1.129(b))	
179	710	279	355	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	
Other fee (specify) _____					
SUBTOTAL (2) <b>\$ 195.00</b>					
*Reduced by Basic Filing Fee Paid <b>\$195.00</b> SUBTOTAL (3) <b>(\$195.00)</b>					

\*\* or number previously paid, if greater; For reissues, see above.

## SUBMITTED BY

Complete (if applicable)

Name (Print/Type)	Stephen C. Durant	Registration No. (Attorney/Agent)	31,506	Telephone	(415) 268-7000
Signature			Date	May 7, 2001	

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